

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services proposes to amend Chapter 86, "Healthy and Well Kids in Iowa (HAWK-I) Program," Iowa Administrative Code.

The proposed amendments require that, as a condition of eligibility for HAWK-I, applicants and enrollees shall:

- Attest to and provide acceptable proof of their citizenship status and identity; and
- Provide a social security number.

Public Law 111-3, the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), requires the state to verify the citizenship status and identity of all children applying for or enrolling in the HAWK-I program. One method permitted for verifying citizenship status is conducting a match with Social Security Administration data. A social security number is not currently required for HAWK-I eligibility but will be necessary to conduct a match with Social Security Administration data.

Verification of citizenship and identity and provision of a social security number have been required in the Medicaid program for a number of years. These amendments are parallel to the Medicaid requirements. These amendments do not change the classifications of noncitizen children who are eligible to enroll in the program (e.g., lawful permanent residents, refugees).

Other than an exception for people who refuse to obtain social security numbers due to sincere religious beliefs, these amendments do not provide for waivers in specified situations, because the Department does not have the authority to waive federal requirements.

Any interested person may make written comments on the proposed amendments on or before September 29, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code chapter 514I and Public Law 111-3.

The following amendments are proposed.

ITEM 1. Amend subrule 86.2(7) as follows:

86.2(7) *Citizenship and alien status.* The child shall be a citizen or lawfully admitted alien. The criteria established under 441—subrule 75.11(2) shall be followed when determining whether a lawfully admitted alien child is eligible to participate in the HAWK-I program.

a. The citizenship or alien status of the parents or other responsible person shall not be considered when determining the eligibility of the child to participate in the program.

b. As a condition of eligibility for HAWK-I:

(1) All applicants shall attest to their citizenship status by signing the application form, which contains a citizenship declaration. EXCEPTION: Applicants applying pursuant to subrule 86.3(6) shall instead complete and sign Form 470-2549, Statement of Citizenship Status.

(2) When a child under the age of 19 is not living independently, the child's parent or other responsible person with whom the child lives shall be responsible for attesting to the child's citizenship or alien status and for providing any required proof of the status.

c. Except as provided in 441—paragraph 75.11(2)"f," applicants or enrollees for whom an attestation of United States citizenship has been made pursuant to paragraph 86.2(7)"b" shall present

satisfactory documentation of citizenship or nationality as defined in 441—paragraphs 75.11(2) “d,” “e,” “g,” and “h.”

d. An applicant or enrollee shall have a reasonable period to obtain and provide proof of citizenship and nationality. For the purposes of this requirement, the “reasonable period” begins on the date a written request to obtain and provide proof is issued to an applicant or enrollee and continues to the date the proof is provided or to the sixtieth calendar day from the date the written request was issued.

e. Eligibility for HAWK-I shall not be approved for applicants until acceptable documentary evidence is provided.

f. Failure to provide acceptable documentary evidence by the sixtieth calendar day from the date the written request was issued pursuant to paragraph 86.2(7) “d” shall be the basis for denial of coverage under HAWK-I for the child.

g. Failure to provide acceptable documentary evidence for a child shall not affect the eligibility of other children in the family for whom acceptable documentary evidence has been provided.

ITEM 2. Adopt the following **new** subrule 86.2(12):

86.2(12) *Furnishing a social security number.*

a. As a condition of eligibility, a social security number or proof of application for the number if the number has not been issued or is not known must be furnished for a child for whom coverage under HAWK-I is being requested or received.

(1) When proof of application for a social security number has been provided, the number must be reported upon receipt.

(2) The requirement to provide a social security number does not apply if the person refuses to obtain a social security number because of well-established religious objections. The term “well-established religious objections” means that the person is a member of a recognized religious sect or a division of a recognized religious sect and adheres to the tenets or teachings of the sect or division, and for that reason is conscientiously opposed to applying for or using a national identification number.

b. Assistance shall not be denied, delayed, or discontinued pending the issuance or verification of a social security number when the applicant or enrollee is cooperating in providing information necessary for issuance of the number.

c. The mother of a newborn child shall have until the second month following the mother’s discharge from the hospital to apply for a social security number for the child.

d. A social security number may be requested for a person in the family for whom coverage under HAWK-I is not being requested or received, but provision of the number shall not be a condition of eligibility for the applicant or enrollee.